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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is in response to the request for re-consideration file 08/01/2005.

2.   Applicant's arguments have been considered but they are not persuasive.

Quotations of U.S. Code Title 35

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

5.   Claims 1-3, 5-7, 10-20, 23-27, 30-32 and 34 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent No. 6,023,507 ("Wookey").

Regarding claim 1

Wookey teaches a system for enabling remote monitoring and management of one or more

applications within a domain, the domain being one of a plurality of such domains, the system

comprising:

- one or more computers within the domain, and coupled to a network, each operable to

   execute one or more applications being monitored and managed (col. 8 lines 16-23);

- a firewall operable to limit access to the applications within the domain from the network

   (FIG. 3 firewall 305);

an application management layer within the domain comprising:

- one or more agents each operable to monitor one or more corresponding applications

   in response to a command received from a monitoring and management portal

   coupled to the network outside the domain (FIG. 3 "Service Center Engineer System"

   and col. 4 lines 9-16 and col. 4 lines 49-55, *Examiner interprets that the service*

   center engineer (management portal) must be at a different domain outside of the

   domains of the one or more monitoring agents because the service center engineer is

   protected by a firewall against any unauthorized access into its domain as shown in

   FIG. 3), and generate notifications in response to the occurrence of events associated

   with the corresponding applications (col. 3 lines 39-48); and

- a gateway operable to receive one or more of the notifications and store the notifications in a database (col. 3 lines 52-58); and

a communication layer within the domain operable to:

- retrieve one or more of the notifications from the database in response to a request received from the monitoring and management portal coupled to the network outside the domain, the request communicated to the communication layer using a communication protocol providing access through the firewall (col. 4 lines 9-12 and col. 4 lines 49-52); and

- communicate the notifications to the monitoring and management portal using the communication protocol to enable remote monitoring and management of the associated applications (col. 4 lines 46-55).

Regarding claim 12

Wookey teaches a method for remote monitoring applications across a plurality of domains, comprising:

- detecting the occurrence of events associated with a plurality of applications executed on a plurality of computers within a plurality of domains (col. 8 lines 16-23); each domain coupled to a network and including a firewall limiting access to the applications within the domain (FIG. 3 firewall 305), wherein the detecting is initiated in response to a command received from a monitoring and management portal coupled to the network outside the domain (FIG. 3 "Service Center Engineer System" and col. 4 lines 9-16 and col. 4 lines 49-55, *Examiner interprets that the service center engineer (management portal) must be at a different domain outside of the domains of the one or more*

monitoring agents because the service center engineer is protected by a firewall against

any unauthorized access into its domain as shown in FIG. 3);

- generate notifications in response to the occurrence of the events, each notification
  associated with at least one application (col. 3 lines 39-48);

- storing at least some of the notifications in databases within the domains that comprise
  the associated applications (col. 3 lines 52-58);

- retrieving notifications from the databases of a plurality of selected domains in response
  to a request received from the monitoring portal coupled to the network outside the
  domain, the request communicated to the selected domains using a communication
  protocol providing access through the firewalls associated with the selected domains (col.
  4 lines 9-12 and col. 4 lines 49-52); and

- communicating the retrieved notifications from each of the selected domains to the
  monitoring portal using the communication protocol (col. 4 lines 46-55); and

- making the retrieved notifications from each of the selected domains available at a
  computer associated with the monitoring portal for viewing in a unified manner (col. 8
  lines 52-54).

Regarding claim 24

Wookey teaches a method for remotely managing applications across a plurality of domains,

comprising:

- generating a command for each of a plurality of applications at a management portal
  coupled to a network, the applications executed on a plurality of computers within a
  plurality of domains, the applications being of a common type (col. 4 lines 2-8), each

domain coupled to the network and including a firewall limiting access to the applications within the domain (col. 8 lines 16-23), wherein at least one command is for initiating monitoring of at least one of the applications (col. 4 lines 11-13);

- communicating the commands to a communication layer within each of one or more selected domains using a communication protocol providing access through the firewall associated with each selected domain, each selected domain comprising an application to which a command is directed (col. 4 lines 9-12). *The command communicates directly from the service center (monitoring and management portal) to the master (agent)*; and

- within each selected domain, communicating the command from the communication layer to an agent associated with the application to which a command is directed (col. 6 lines 61-65). *The master is the application that a command from the service center is directed in order to collect diagnostic information*; and

- within each selected domain, executing the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 7 lines 14-24).

Regarding claim 31

Wookey teaches software for enabling remote monitoring and management of one or more applications within a domain, the domain being one of a plurality of such domains, the software embodied in a computer-readable medium and, when executed by a computer, operable to:

- detect, in response to a command received from a monitoring and management portal coupled to the network outside the domain (FIG. 3 "Service Center Engineer System"

and col. 4 lines 9-16 and col. 4 lines 49-55, *Examiner interprets that the service center engineer (management portal) must be at a different domain outside of the domains of the one or more monitoring agents because the service center engineer is protected by a firewall against any unauthorized access into its domain as shown in FIG. 3*), the occurrence of events associated with a plurality of applications executed on a plurality of computers within a plurality of domains, each domain coupled to a network and including a firewall limiting access to the applications within the domain (col. 3 lines 39-45);

- generate notifications in response to the occurrence of the events, each notification associated with at least one application (col. 7 lines 9-12);

- store at least some of the notifications in databases within the domains that comprise the associated applications (col. 5 lines 1-7);

- retrieve notifications from the databases of a plurality of selected domains in response to a request received from a monitoring portal coupled to the network the request communicated to the selected domains using a communication protocol providing access through the firewalls associated with the selected domains (col. 4 lines 9-12 and col. 4 lines 49-52); and

- communicate the retrieved notifications from each of the selected domains to the monitoring portal using the communication protocol (col. 6 lines 2-6).

Regarding claim 32

Wookey teaches a system for enabling remote monitoring and management of one or more applications within a domain, the domain being one of a plurality of such domains, the system comprising:

- means for detecting, in response to a command received from a monitoring and management portal coupled to the network outside the domain (FIG. 3 "Service Center Engineer System" and col. 4 lines 9-16 and col. 4 lines 49-55, *Examiner interprets that the service center engineer (management portal) must be at a different domain outside of the domains of the one or more monitoring agents because the service center engineer is protected by a firewall against any unauthorized access into its domain as shown in FIG. 3*), the occurrence of events associated with a plurality of applications executed on a plurality of computers within a plurality of domains, each domain coupled to a network and including a firewall limiting access to the applications within the domain (col. 3 lines 39-45);

- means for generating notifications in response to the occurrence of the events, each notification associated with at least one application (col. 7 lines 9-12);

- means for storing at least some of the notifications in databases within the domains that comprise the associated applications (col. 5 lines 1-7);

- means for retrieving notifications from the databases of a plurality of selected domains in response to a request received from a monitoring portal coupled to the network the request communicated to the selected domains using a communication protocol providing access through the firewalls associated with the selected domains (col. 4 lines 9-12 and col. 4 lines 49-52); and

- means for communicating the retrieved notifications from each of the selected domains to the monitoring portal using the communication protocol (col. 6 lines 2-6).

Regarding claim 34

Wookey teaches a method for remotely monitoring electronic marketplace enabling applications

across a plurality of distributed domains, comprising:

- receiving a command from a monitoring portal outside the domains (FIG. 3 "Service

    Center Engineer System" and col. 4 lines 9-16 and col. 4 lines 49-55, *Examiner interprets*

    that the service center engineer (management portal) must be at a different domain

    outside of the domains of the one or more monitoring agents because the service center

    engineer is protected by a firewall against any unauthorized access into its domain as

    shown in FIG. 3),

- detecting, in each domain in response to receipt of the command, the occurrence of

    events associated with a plurality of applications executed on a plurality of computers

    within the respective domains, each domain coupled to a network and including a firewall

    limiting access to the applications within the domain (col. 3 lines 39-45);

- generating notifications in response to the occurrence of the events, each notification

    associated with at least one application (col. 7 lines 9-12);

- storing at least some of the notifications in databases within the domains that comprise

    the associated applications (col. 5 lines 1-7);

- retrieving notifications from the databases of a plurality of selected domains in response

    to a request received from the monitoring portal coupled to the network outside the

    domains (col. 4 lines 9-12 and col. 4 lines 49-52), the request communicated to the

    selected domains using hypertext transport protocol (HTTP) (col. 13 lines 20-31);

- generating a response at each domain including the retrieved notifications for the domain

    that may be interpreted by a web browser within the monitoring portal (col. 5 lines 1-7);

- communicating the response from each of the selected domains to the web browser through the firewall using HTTP (col. 6 lines 2-6); and

- making the retrieved notifications from each of the selected domains available at a computer associated with the monitoring portal for display to a user of the monitoring portal in a unified view in which the notification are aggregated (col. 8 lines 52-54).

Regarding claim 2

Wookey teaches each agent includes one or more monitors each operable to interface with a particular corresponding application (col. 7 lines 14-18).

Regarding claims 3 and 15

Wookey teaches one or more of the notifications comprise information regarding the state of an associated application (col. 7 lines 5-9).

Regarding claims 5, 18 and 25

Wookey teaches the communication protocol comprises hypertext transport protocol (HTTP) (col. 3 lines 45-48). *The communication via the Internet is inherently comprises HTTP.*

Regarding claims 6, 19 and 26

Wookey teaches the request from the monitoring and management portal comprises a request for the state of a particular application (col. 4 lines 41-45).

Regarding claims 7 and 20

Wookey teaches the request from the monitoring and management portal comprises a request for all notifications of a particular type relating to one or more selected applications in one or more selected domains (FIG. 6 shows more than one set of monitoring domain in a larger network).

Regarding claim 10, 23 and 30

Wookey teaches the domain is distributed from others of the plurality of domains (FIG. 6).

Regarding claim 11

Wookey teaches the communication layer is further operable to:

- receive a command for a particular application communicated from the monitoring and management portal using a communication protocol providing access through the firewall associated with each selected domain (col. 4 lines 9-12). *Examiner interprets that the master (agent) receives command from the server center (via the scheduler) for transmitting diagnostic information*; and

- communicate the command to an agent associated with the application to which the command is directed (col. 4 lines 9-12). *The command is communicate directly from the service center (monitoring and management portal) to a master (agent)*; and

- the agent is further operable to execute the command using a monitor within the agent associated with the application to which the command is directed and corresponding to the particular application, the monitor operable to interface with the particular corresponding application (col. 7 lines 14-24).

Regarding claim 13

Wookey teaches detecting the occurrence of events comprises monitoring each application using one or more agents within the associated domain, each agent including one or more monitors each operable to interface with a particular corresponding application within the domain (col. 3 lines 39-45).

Regarding claim 14

Wookey teaches configuring the agents and monitors from the monitoring portal using HTTP

communications with web servers within the domains, each web server operable to communicate

configuration instructions received from the monitoring portal to the agents within the associated

domain (col. 3 lines 45-48).

Regarding claim 16

Wookey teaches generating a response at each domain including the retrieved notifications for

the domain that may be interpreted by a web browser within the monitoring portal (col. 4 lines

36-40); and communicating the response to the web browser using the network (col. 4 lines 46-

52).

Regarding claim 17

Wookey teaches receiving the retrieved notifications from each of the selected domains at the

monitoring portal (col. 6 lines 45-60); and aggregating the retrieved notifications from each of

the selected domains for display to a user of the monitoring portal in a unified view (col. 8 lines

52-54).

Regarding claim 27

Wookey teaches the communication layer within each domain is operable to: communicate with

the management portal using hypertext transport protocol (HTTP) (col. 3 lines 45-48); and

communicate with the agents within the domain using one or more application program

interfaces associated with each agent (col. 7 lines 5-9).

Claim Rejections - 35 USC § 103

6.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey in view of

U.S. Patent 6,510,350 ("Steen").

Regarding claim 4

Wookey teaches the communication layer query the database to retrieve the one or more

notifications from the database; and generate a response including the notifications that may be

interpreted by a web browser within the monitoring and management portal but does not teach a

servlet engine operable to execute a servlet, the servlet operable to: query and collect data from a

database and a web server operable to receive the response from the servlet engine and

communicate the response to the web browser using the network.

However, Steen teaches a servlet engine execute a servlet to either gather data or

launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's

system ... made at the primary site") and a provider's system is operate to communicate between

the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The

user accesses the ... from Internet associated break in") for the purpose of buffering between the

provider's database and the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the servlets of Steen with the communication layer of

Wookey because it would provide for the purpose of buffering between the server's database and

the user web browser.

7.   Claims 8-9, 21-22, 28-29 and 35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wookey and in view of U.S. Patent 5,826,239 ("Du").

Regarding claim 8, 21 and 28

Wookey teaches a system for enabling remote monitoring and management of applications but

does not teach the applications comprise electronic marketplace enabling applications.

However, Du teaches a workflow process managing system for providing a business

management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for

the purpose of managing the rule and organizing policy enforcement requirements of a business.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the electronic business application of Du with the system of

Wookey because it would provide for the purpose of managing the rule and organizing policy

enforcement requirements of a business.

Regarding claim 9, 22 and 29

Du teaches the applications comprise business processes (col. 9 lines 59-64, "To monitor the

progress ... HP Open View environment").

Regarding claim 35

Wookey teaches a method for remotely managing applications, comprising:

-   Generating, at a management portal coupled to a network, a command for initiating

    monitoring of each of a plurality of applications, the applications executed on a plurality

    of computers within a plurality of domains, each domain coupled to the network and

    including a firewall limiting access to the applications within the domain (col. 3 lines 39-

    45);

- communicating the commands to a web server within each of one or more selected

   domains using hypertext transport protocol (HTTP) (col. 13 lines 20-31), each selected

   domain comprising an application to which a command is directed (col. 6 lines 61-65);

- within each selected domain, communicating the command from the web server to an

   agent associated with the application to which the command is directed (col. 4 lines 9-

   12); and

- within each selected domain, executing the command using a monitor within the agent

   associated with the application to which the command is directed and corresponding to

   the particular application, the monitor operable to interface with the particular

   corresponding application (col. 7 lines 14-24).

Wookey does not teach managing a plurality of electronic marketplace enabling applications.

However, Du teaches a workflow process managing system for providing a business

management concept (col. 8 lines 11-15, "a workflow process 18 ... needed to enact work") for

the purpose of managing the rule and organizing policy enforcement requirements of a business.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the electronic business application of Du with the system of

Wookey because it would provide for the purpose of managing the rule and organizing policy

enforcement requirements of a business.

8.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey in view

of Steen and further in view of U.S. Patent 5,826,239 ("Du").

Regarding claim 33

Motoyama teaches a system for enabling remote monitoring and management of one or more

enabling applications within a domain, the domain being one of a plurality of distributed

domains, the system comprising:

- one or more computers within the domain and coupled to a network, each operable to

    execute one or more applications being monitored and managed (col. 8 lines 16-23);

- a firewall operable to limit access to the applications within the domain from the network

    (FIG. 3 firewall 305);

an application management layer within the domain comprising:

- one or more agents each operable to monitor one or more corresponding applications

    in response to a command received from a monitoring and management portal

    coupled to the network outside the domain (FIG. 3 "Service Center Engineer System"

    and col. 4 lines 9-16 and col. 4 lines 49-55, *Examiner interprets that the service*

    center engineer (management portal) must be at a different domain outside of the

    domains of the one or more monitoring agents because the service center engineer is

    protected by a firewall against any unauthorized access into its domain as shown in

    FIG. 3), and generate notifications in response to the occurrence of events associated

    with the corresponding applications (col. 3 lines 39-48); and

- a gateway operable to receive one or more of the notifications and store the

    notifications in a database (col. 3 lines 52-58); and

a communication layer within the domain operable to:

- query the database to retrieve one or more of the notifications from the database in

    response to a request received from a monitoring and management portal coupled to

the network, the request communicated to the communication layer using hypertext

transport protocol (HTTP) (col. 4 lines 9-12 and col. 6 lines 2-6);

-   generate a response including the notifications that may be interpreted by a web

    browser within the monitoring and management portal (col. 4 lines 46-55);

Wookey does not teach the method of managing a plurality of electronic marketplace enabling

applications; and a servlet engine operable to execute a servlet, the servlet operable to: query and

collect data from a database and a web server operable to receive the response from the servlet

engine and communicate the response to the web browser using HTTP to enable remote

monitoring and management of the associated applications.

However, Steen teaches a servlet engine execute a servlet to either gather data or

launches responses from the provider's database (col. 4 lines 21-27, "Software on the provider's

system ... made at the primary site") and a provider's system is operate to communicate between

the servlet engine and the user through any web browser (col. 3 line 65 to col. 4 line 20, "The

user accesses the ... from Internet associated break in") for the purpose of buffering between the

provider's database and the user. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to incorporate the servlets of Steen with the communication

layer of Wookey because it would provide for the purpose of buffering between the server's

database and the user web browser. Furthermore, Du teaches a workflow process managing

system for providing a business management concept (col. 8 lines 11-15, "a workflow process 18

... needed to enact work") for the purpose of managing the rule and organizing policy

enforcement requirements of a business.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the electronic business application of Du with the system of

Wookey because it would provide for the purpose of managing the rule and organizing policy

enforcement requirements of a business.

Response to Arguments

In the remark the applicant argues that cited reference failed to disclose:

"an application management layer within the domain comprising ... agents each operable

to monitor ... applications in response to a command received from a monitoring and

management portal coupled to the network outside the domain" as to claim 1.

In response to applicant's argument,

Prior art Wookey (U.S. Patent No. 6,023,507) teaches in response to a scheduler

command maintained a service center (monitor and management portal) for transmitting

diagnostic result to the service center via the internet (see col. 4 lines 11-16) through a firewall

(see FIG.3 and col. 4 lines 49-52). Firewall is a security gateway to protect undesired access in to

a domain (see col. 4 lines 52-53). Therefore, it is clear that the service center must has its own

domain that coupled to the network for communication with other domains of the monitoring

computers. Thus, limitations are taught by the reference.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-

3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony*

Knight at (571) 272-3687.

Thomas Pham   Anthony Knight
Patent Examiner   Supervisory Patent Examiner
                                                                        Group 3600

September 19, 2005